

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

CHARLES EDWARD JONES, SR
ADC # 144544

PETITIONER

V. **CASE NO. 5:19-CV-22-KGB-BD**

WENDY KELLEY, Director
Arkansas Department of Correction

RESPONDENT

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

This Recommended Disposition (“Recommendation”) has been sent to Judge Kristine G. Baker. Mr. Jones may file written objections with the Clerk of Court. To be considered, objections must be filed within 14 days. Objections should be specific and should include the factual or legal basis for the objection.

If Mr. Jones does not file objections, he risks waiving the right to appeal questions of fact. And, if no objections are filed, Judge Baker can adopt this Recommendation without independently reviewing the record.

II. Discussion:

On January 18, 2019, Petitioner Charles Jones Sr., an inmate in the Arkansas Department of Correction (“ADC”), filed what was docketed as a new *pro se* federal petition for a writ of habeas corpus and motion to proceed *in forma pauperis*. (Docket entries #1 and #2) A case number was assigned, and the pleadings were docketed as a request for federal habeas relief under 28 U.S.C. § 2254.

Mr. Jones has now filed a Motion to Amend/Correct a Clerical Error. (#5) He explains that he did not intend to file a federal habeas corpus petition, but rather, intended the documents to be filed as exhibits in an existing §1983 case currently pending before Judge Billy Roy Wilson, No. 5:18-CV-192-BRW. In short, Mr. Jones did not intend to file a new federal habeas action or request to proceed *in forma pauperis*. Instead, he simply intended to “add to discovery for the plaintiff’s exhibits.” (#5) His motion is bolstered by the fact that both the habeas corpus petition and the IFP application are styled as pleadings in the Supreme Court of Arkansas.

III. Conclusion:

The Court recommends that Mr. Jones’s motion to proceed *in forma pauperis* (#1) be DENIED, as moot and that the Clerk be directed to close this case.

DATED this 29th day of January, 2019.



UNITED STATES MAGISTRATE JUDGE